

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Examiners
Rule No. 190-X-4-.01

Rule Title: Complaints

 New XX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in costs, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Shirley J. Collins, etc.*

Date October 17, 2013

DATE FILED
(STAMP)

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: The Alabama State Board of Chiropractic Examiners

RULE NO. & TITLE:

- (1) **Rule 190-X-1-.08 Voting**
- (2) **Rule 190-X-2-.10 Display of License**
- (3) **Rule 190-X-4-.01 Complaints**
- (4) **Rule 190-X-5-.08 Exploitation of Patients For Financial Gain**

INTENDED ACTION: The Alabama State Board of Chiropractic Examiners proposes to amend the rules as listed above.

SUBSTANCE OF PROPOSED ACTIONS:

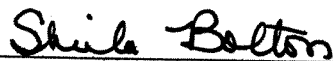
- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to delete irrelevant language.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to delete irrelevant language.
- (3) The Alabama State Board of Chiropractic Examiners proposes to amend this to correct language regarding complaint form.
- (4) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to reflect statutory authority.

TIME, PLACE AND MANNER FOR PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama State Board of Chiropractic Examiners, 126 Chilton Place, Clanton, AL 35045, 205-755-8000.

FINAL DATE FOR COMMENT & COMPLETION OF NOTICE: December 13, 2013.

CONTACT PERSON AND ADDRESS:

Amy Deavers
Administrative Assistant
Alabama State Board of Chiropractic Examiners
126 Chilton Place
Clanton, AL 35045
1-800-949-5838 ext. 226



Sheila Bolton
Executive Director

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

190-X-4-.01 Complaints.

(1) Complaints alleging any violation of the laws of the State of Alabama or rules of this Board may be lodged by any person with the Executive Director by submitting a written complaint. A copy of a complaint ~~report~~ form is available on the Board's website. ~~may be obtained from the office of the Board.~~

(2) In carrying out its investigations, the Board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence and materials as set forth in Code of Ala. 1975, Section 34-24-140 ~~34-24-173(7)~~.

(3) At any time during the course of an investigation, the Board may, within its discretion, issue a Letter of Concern to the licensee or permit holder who is the subject of the investigation. A Letter of Concern shall consist of a private, confidential, written communication from the Board to the licensee or permit holder, the contents of which shall be specified by the Board. A Letter of Concern shall not be considered a disciplinary action and is not intended to communicate a finding on the part of the Board that a licensee to whom the Letter of Concern is directed will be charged with or has been found guilty of wrong doing. The purpose of the Letter of Concern is to provide notice to the licensee or permit holder under investigation that the Board has concluded that the alleged actions or conduct in question may not be in accord with provisions of Code of Ala. 1975, Section 34-24-120 et seq. The issuance of a Letter of Concern shall not preclude the Board from taking any other action authorized by law. A Letter of Concern shall be deemed a non-public record under the provisions of Rule 190-X-1-.06. The board shall notify the person or persons whose complaint led to the Board's decision to send a Letter of Concern. The Board may make public statistical reports concerning the number and type of Letters of Concern issued by the Board.

Effective: 9/15/82, amended 11/99, amended 1/2000, (2)(3) amended 1/2002, (a)(c) amended 3/2009, (1)(2) amended 10/2013

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-167.

History: Filed September 30, 1982. **Amended:** Filed June 12, 2000; effective July 17, 2000. **Amended:** Filed April 19, 2002; effective May 24, 2002. **Amended:** Filed June 18, 2009; effective July 23, 2009.